

MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES
Quality Assurance Division - Certification Bureau

STATE PLAN for the

NURSE AIDE TRAINING AND COMPETENCY TESTING PROGRAM

* There are active links to the Appendix within this table for all on-line application forms and instructions

Regulations

483.75 (e) Required training of nurse aides

(1) Definitions:

Licensed health professional means a physician, physician assistant, nurse practitioner; physical, speech or occupational therapist; physical or occupational therapy assistant; registered professional nurse; licensed practical nurse or licensed or certified social worker.

Nurse aide means any individual providing nursing or nursing-related services to residents in a facility who is not a licensed health professional, a registered dietitian, or someone who volunteers to provide such services without pay.

State Guidelines

(e) Required training of nurse aides.

(1) Definitions:

Licensed health professional means a physician, physician assistant, nurse practitioner; physical, speech or occupational therapist; licensed occupational therapy assistant; licensed physical therapy assistant; registered professional nurse; licensed practical nurse; licensed or certified social worker, and licensed nutritionist/registered dietitian. A registered dietitian, to practice as a professional dietitian/nutritionist, must be licensed by the state.)

Nurse aide (nurse assistant) means any individual providing nursing or nursing related services to residents in a facility who is not a licensed health professional or someone who volunteers to provide such services without pay.

(2) General rule

A facility must not use any individual working in the facility as a nurse aide for more than 4 months, on a full time basis, unless:

(i) That individual is competent to provide nursing and nursing related services; and

(ii)(A) That individual has completed a training and competency evaluation program, or a competency evaluation program approved by the State as meeting the requirements of 483.151 - 483.154 of this part. ~~or~~

~~(ii)(B) That individual has been deemed or determined competent as provided in 483.150 (a) and (b)~~
(Obsolete)

(2) General rule

Full time employees.

An individual who has not completed a nurse aide training and/or competency testing program approved by the State Survey and Certification Agency (SA) within four months of the date of hire to a position providing nursing and nursing related services for residents may not perform any such services for residents once the four-month period has expired. Such individuals must complete a SA approved training and/or competency testing program prior to being hired by another facility or rehired/reassigned by the same facility to perform nursing and nursing related functions.

[For rules regarding temporary, part-time or pool employees, refer to (3) Non-permanent employee.]

An individual enrolled in a training and competency program may not perform any nursing or nursing related task that is not directly supervised by the licensed nurse instructor until that individual has satisfactorily passed a skills evaluation of the task(s) by the nurse instructor. Documentation of the evaluation(s) is to be made on the official Montana Nurse Aide Skills Competency Checklist (MNASCC). **(See Appendix A).** The original of the MNASCC is to be filed in the individual's personnel or training file once it is complete. A copy of the MNASCC must be given to the individual.

Once the individual has satisfactorily passed a skill(s), accompanied by such documentation on the MNASCC, s/he may perform the skill under the general supervision of a licensed nurse until successful completion of the training and competency evaluation program.

All skills listed in the MNASCC must be satisfactorily passed prior to eligibility to complete the State Competency Evaluation Program (SCEP). For individuals with limited handicaps which preclude satisfactory completion of all skills listed on the checklist, a waiver may be approved by the SA. Waiver requests are to be in writing and list the skills, and the reasons, the individual is unable to physically perform the skill. (Example: an individual is hearing impaired and not able to accurately take a blood pressure). Nurse aides may not perform any skill which is waived. Waivers will be reviewed, evaluated and approved on an individual basis. Waivers, if any, will be recorded on the individual's official Certification of Competency notice provided by the SA.

Individuals who believe they have sufficient experience or training to pass the SCEP without completing a SA approved training program may request to complete the SCEP without proof of training. Such individuals will be allowed one attempt to successfully complete the SCEP. If the individual fails

the SCEP, s/he will be required to complete the SA's Nurse Aide Training and Competency Evaluation Program (NATCEP) prior to retaking the examination. To insure that individuals who successfully complete only the SCEP are competent to practice all skills required by the state approved curriculum, such individuals will be required to be evaluated for all skills listed on the MNASCC by a licensed nurse for the facility or agency that hires him/her. The individual may not perform unsupervised any skill for which s/he has not received a satisfactory score. An individual who has previously completed a training program in another state may provide, in lieu of the MNASCC, a duplicate of any official skills evaluation that is the equivalent of the MNASCC.

The original of the completed MNASCC or duplicate of another official skills evaluation is to be filed in the individual's personnel or training file, with a copy provided to that individual.

Titles. Because it is common practice, the SA will allow individuals who successfully complete the SCEP to use the title CNA (Certified Nurse Assistant), referencing that the individual has met the SA's competency requirements to practice as a nurse aide and is entered on the Montana Nurse Aide Registry (State Registry). Individuals who have not successfully completed the SCEP may not use this title or in any way

(3) Non-permanent employees.

A facility must not use on a temporary, per diem, leased, or any basis other than a permanent employee any individual who does not meet the requirements in paragraphs (e)(2)(i) and (ii) of this section.

(4) Competency.

A facility must not use any individual who has worked less than 4 months as a nurse aide in that facility unless the individual:

suggest they are certified by the SA as competent to practice as a nurse aide.

(3) Non-permanent employees.

Definition:

Non-permanent employee: Any individual hired to work for a temporary period that is less than four consecutive months. Non-permanent employees include temporary workers hired from "nursing pools" or other agencies who are not regular employees of the facility; intermittent employees filling in for vacation, holiday or other relief purposes; persons providing other part-time non-skilled nursing or nursing related services for pay.

Non-permanent employees must meet all certification of competency requirements, that is, have either successfully completed a NATCEP or a SCEP prior to being hired in any position as defined in the above paragraph.

(4) Competency.

(i) Is a full-time employee in a State-approved training and competency evaluation program;

(ii) Has demonstrated competence through satisfactory participation in a State-approved nurse aide training and competency evaluation program or competency evaluation program; or

(i) Upon hiring an individual who has not met the SA's competency requirements and is not listed in the State Registry, the facility must immediately place that individual in a training and competency testing program. The individual must complete the NATCEP and be listed in the State Registry no later than 4 months from the date of hire.

In-state applicants:

(ii) A facility may hire any individual who has completed a SA approved NATCEP or SCEP and is listed in the State Registry. For such an individual, no retraining or retesting is required. The facility should provide appropriate orientation to facility policies and procedures and any other information needed to insure the individual performs assigned duties effectively. The hiree must provide to the facility a copy of a completed MNASCC at the time of hire. If the hiree no longer has a copy of his/her original MNASCC, the hiring facility must reevaluate the individual's skills using the MNASCC, provide a copy to the hiree and maintain a copy in the individual's personnel or training file.

Out-of-state applicants:

An individual who has met another state's training and competency evaluation program is eligible for entry to the State Registry only if that individual is currently registered in the other state.

A facility wishing to hire a currently registered out-of-state individual is required to:

1. Verify, either in writing or by telephone, with the out-of-state registry that the applicant is currently registered in the other state and has no record of resident abuse, neglect or misappropriation of resident property. Document and retain the results of the inquiry with the individual's employment application.

2. Instruct the applicant to complete a Nurse Aide Registry Application form (**see Appendix B**) and attach a copy of his/her current registration card, letter or other notice from the other state. (Note: A copy of certification of completion of a program from a facility or other training agency located in another state is not acceptable.) These documents are to be mailed to the SA, who will officially verify the applicant's out-of-state status in writing.

The applicant may be hired and allowed to work pending the response from the out-of-state registry if the following is done:

- a) obtain from the applicant a copy of the skills evaluation completed by his/her training

program instructor to verify competency in the skills required as part of the SA approved curriculum or complete a skills evaluation using the MNASCC. A copy of either skills evaluation must be filed in the applicant's personnel or training file prior to assigning the individual to resident care.

b) provide appropriate orientation to facility policies and procedures. Provide any further training to meet curriculum requirements (example: Montana resident rights and abuse laws or skills that were found to be unsatisfactory during the skills evaluation) prior to assigning the individual to resident care. If an out-of-state applicant is found not to be currently registered in the other state, s/he must complete a State approved NATCEP or SCEP as well any other individual hired by the facility. (Note: If the facility has provided the training and skills evaluation as described in 2, a and b, the clock hours attributed to this training, less facility orientation, may be deducted from the required total of 75 hours.)

~~(iii) Has been deemed or determined competent as provided in 483.150 (a) and (b)~~
Obsolete

(5) Registry verification.
Before allowing an individual to serve as a nurse aide, a facility must receive registry

~~(iii) State plan for deemed status: see 483.150 (a) and (b).~~
Obsolete

(5) Registry verification.

verification that the individual has met competency evaluation requirements unless-

(i) The individual is a full-time employee in a training and competency evaluation program approved by the State; or

(ii) The individual can prove that he or she has recently successfully completed a training and competency evaluation program or competency evaluation program approved by the State and has not yet been included in the registry. Facilities must follow up to ensure that such an individual actually becomes registered.

(i) and (ii) Prior to or immediately upon hiring an individual who claims to be listed in the State Registry, the facility must verify that the individual has met the competency evaluation requirements by one of the following:

1. Reviewing the original copy of the individual's unexpired Certification of Competency notice from the SA.

2. Making an inquiry directly to the State Registry through the Montana Nurse Aide Registry web site*, in writing, or by telephone. If the inquiry is from the web site or by telephone, documentation of the verification is be entered into the individual's personnel file; if by writing, the original or photocopy of the correspondence from the SA is placed in the individual's personnel file.

***Montana Nurse Aide Registry**

Web site: go to:

<http://161.7.8.64/QAD/nurseaideregistry.jsp>;

or, go to
GOOGLE.COM, and type Montana Nurse Aide Registry inside of search window;

or, go to www.dphhs.mt.gov and type in Montana Nurse Aide Registry inside the DPHHS search window.

3. Reviewing the original

copy of the individual's test results from the SA approved test vendor showing the individual has successfully completed all parts of the test(s).

Either a copy of the unexpired certification of competency notice, a hard copy of the web verification, or a copy of test results is to be obtained by the facility and filed in the personnel file of each individual hired, as soon as possible, for any of the above listed verification procedures.

(6) Multi-State registry verification. Before allowing an individual to serve as a nurse aide, a facility must seek information from every State registry established under sections 1819(e)(2)(A) or 1919(e)(2)(A) of the Act the facility believes will include information on the individual.

(6) Multi-State registry verification.

A facility must determine, at the time of application, if an applicant has worked as a nurse aide in other states. Prior to hiring or assigning such an individual to perform any nursing or nursing related duties, the facility must inquire of the registries of any and all states the applicant has so indicated, to determine if there is any information contained in the registries about the applicant that is related to resident abuse, neglect or misappropriation of property.

Documentation of the results of any and all inquiries to other states is to be maintained in the individual's personnel file.

(7) Required retraining.

If, since an individual's most recent completion of a training and competency evaluation program, there has been a continuous period of 24

(7) Required retraining.

An individual must complete a new NATCEP or SCEP if s/he has not been employed to provide nursing or nursing-related services for at least 8 hours

consecutive months during none of which the individual provided nursing or nursing-related services for monetary compensation, the individual must complete a new training and competency evaluation program or a new competency evaluation program.

within the previous consecutive 24 months (2 years) of the date of expiration of certification of competency. To meet this requirement, the nursing or nursing related services may be provided in any type of health care setting, including private home care and physicians' offices or clinics. Proof of employment is to be submitted with the individual's certification of competency renewal application. (See Appendix B)

Recertification

Nurse aide certification is renewed every two years from the last date an individual has worked 8 hours providing nursing and/or nursing related services, as verified in writing by the employer. Renewal notices are mailed to each nurse aide at least 60 days prior to the expiration date of his/her certification. It is the responsibility of the individual to apply for certification renewal in a timely fashion to avoid certification expiration.

Nursing facilities are required to ensure each nurse aide employed by them meets certification of competency requirements. They should implement some method of tracking to ensure certifications of nurse aides they employ are current.

A nurse aide who does not renew his/her certification on time will no longer be registered and his/her name will be removed from the State

(8) Regular in-service education.

The facility must complete a performance review of every nurse aide at least once every 12 months, and must provide regular in-service education based on the outcome of these reviews.

The in-service training must--

(i) Be sufficient to ensure

Registry. To be reentered in the State Registry, individuals who have allowed certifications to expire will be required to complete either a NATCEP or a SCEP.

(8) Regular in-service education.

Performance review.

The annual performance review is to be completed no later than 12 months from the date of hire and at least every 12 months thereafter. The review should include ongoing observations during the individual's daily routine. The evaluation is not an additional competency test. The purpose of the review is to determine if the individual continues to competently practice nursing and nursing related skills and behaviors. Skills and behaviors that should be included in the evaluation are: communication and interaction skills, basic nursing procedures, infection control, safety, and other procedures the individual may practice. The performance areas reviewed are to be documented and include a statement noting whether or not the individual satisfactorily performed each area reviewed. If performance is not satisfactory, the documentation should include any remedy taken. Facilities may use any format they choose to document this information. It is permissible to use the MNASCC or other skills checklist, if desired.

In-service training.

Facility responsibility:

(i) The facility must provide

the continuing competence of nurse aides, but must be no less than 12 hours per year;

(ii) Address areas of weakness as determined in nurse aides' performance reviews and may address the special needs of residents as determined by the facility staff; and

(iii) For nurse aides providing services to individuals with cognitive impairments, also address the care of the cognitively impaired.

each nurse aide with the opportunity to accumulate a minimum of 12 hours of appropriate continuing education (in-service training) each year.
(Note: staff meetings and care plan meetings will not be accepted for continuing education credit, unless they meet Parts (ii) and (iii) of this paragraph.)

(ii) and (iii) Continuing education may be provided in any appropriate educational format. Video and audio tape presentations and reading or research assignments are acceptable.

Appropriate subjects for continuing education are any that enhance nurse aides' job related knowledge and skills. These include, but are not limited to the following:

1) remedial training in skills not performed satisfactorily as a result of the annual reevaluation.

2) nursing and nursing related information to improve knowledge and/or skills, including skills working with individuals with cognitive impairments.

3) meeting mental, physical and psychological needs of residents.

4) recertification in CPR (4-hour limit).

5) self-growth (management of stress, time management, interpersonal skills etc.)

6) written/oral communication, observation and documentation.

7) promotion of resident rights and dignity, including the prohibition of mistreatment, abuse, neglect and misappropriation of resident property.

Each facility/agency is to maintain an individual in-service record for each nurse aide that contains the following information:

1. Date of in-service
2. Title of in-service
3. Length (time) of in-service
4. Signature of instructor(s)

A copy of this record is to be filed in each nurse aide's personnel or training file to insure the information is easily retrievable.

MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES
Quality Assurance Division-Certification Bureau

STATE GUIDELINES for

SUBPART D

REQUIREMENTS THAT MUST BE MET BY STATES AND STATE AGENCIES
NURSE AIDE TRAINING AND COMPETENCY EVALUATION

~~483.150 Deemed meeting of requirements, waiver of requirements.~~

Obsolete

~~(a) A nurse aide is deemed to satisfy the requirement of completing a training and competency evaluation approved by the State if he or she successfully completed a training and competency evaluation program before July 1, 1989 if--~~

~~(1) The aide would have satisfied this requirement if--~~

~~(i) At least 60 hours were substituted for 75 hours in sections 1819(f)(2) and 1919(f)(2) of the Act, and~~

~~(ii) The individual has made up at least the difference in the number of hours in the program he or she completed and 75 hours in supervised practical nurse aide training or in regular in-service nurse aide education; or~~

~~(2) The individual was found to be competent (whether or not by the State) after the completion of nurse aide training of at least 100 hours duration.~~

~~Deeming/waiver of NATCEP/SCEP requirements.~~

Obsolete

These requirements are no longer applicable. Deeming was completed by the State on March 31, 1990.

~~(b) A State may--~~

~~(1) Waive the requirement for an individual to complete a competency evaluation program approved by the State for any individual who can demonstrate to the satisfaction of the State that he or she has served as a nurse aide at one or more facilities of the same employer in the state for at least 24 consecutive months~~

~~or~~

~~(2) Deem an individual to have completed a nurse aide training and competency evaluation program approved by the State if the individual completed, before July 1, 1989, such a program that the State determines would have met the requirements for approval at the time it was offered.~~

483.151 State review and approval of nurse aide training and competency evaluation programs and competency evaluation programs.

(a) State review and administration.

(1) The State--

(i) Must specify any nurse aide training and competency evaluation programs that the State approves as meeting the requirements of 483.152 and/or competency evaluations programs that the State approves as meeting the requirements of 483.154; and

Program approval.

(i) Only programs which meet the SA's core curriculum requirements will be approved.
(See Appendix C)

The SA has designated and approved HEADMASTER, a Montana based non profit educational research and development firm, as vendor for the State's competency evaluation program.

(ii) May choose to offer a nurse aide training and competency evaluation program that meets the requirements of 483.152 and/or a competency evaluation program that meets the requirements of 483.154.

(2) If the State does not choose to offer a nurse aide training and competency evaluation program or competency evaluation program, the State must review and approve or disapprove nurse aide training and competency evaluation programs and nurse aide competency evaluation programs upon request.

(ii) The SA does not directly provide nurse aide training and/or competency evaluation programs.

A SA approved competency evaluation program, developed by HEADMASTER and SA staff, will be administered for the State by HEADMASTER.

(2) Facilities, other agencies or vendors wishing to seek approval of self-developed programs or programs not contained in the approved programs list (Appendix C) must submit a copy of their complete curriculum, teacher guide and student workbook/ learning materials to the SA for review. Following review, the SA will notify the facility, agency or vendor of its findings by letter, along with a copy of the SA's written evaluation. (See Appendix C). Any

recommendations for additions and/or changes to the submitted materials will be documented in the Comments section on page 4 of the evaluation form. If any additions or changes are required, the facility, agency or vendor must submit documentation of how these additions and/or changes will be incorporated into their program.

Facilities or other agencies must notify the SA of the date

of planned implementation prior to final approval. Final approval of any program submitted will be by letter from the SA.

Facilities or agencies wishing approval to adopt a program listed in Appendix C must submit a letter to the SA requesting approval to implement the program. This letter must contain the following:

a. Name of approved curriculum, textbook and/or other training materials;

b. Total program hours (must be a minimum of 75 hours **excluding** facility orientation);

c. Number of classroom hours (acceptable range is 45-50 hours);

d. Number of clinical hours (acceptable range is 25-30 hours);

e. Training schedule that includes an outline of modules (including clinical practice) to be taught and the number of hours devoted to each module of the program; and

f. Expected date of implementation.

(3) The State survey agency must, in the course of all surveys, determine whether the nurse aide training and competency evaluation requirements of 483.75(e) are met.

(3) The SA will complete the survey protocols for CFR 483.75(e) for each extended survey as directed by the State Operations Manual, Appendix P, Standard and Extended surveys. Complete NATCEP surveys will be conducted every 2 years.

(b) Requirements for approval of programs.

(1) Before the State approves a nurse aide training and competency evaluation program or competency evaluation program, The State must--

(i) Determine whether the nurse aide training and competency evaluation program meets the course requirements of 483.152:

(ii) Determine whether the nurse aide competency program meets the requirements of 483.154; and

(iii) In all reviews other than the initial review, visit the entity providing the program.

(b) Requirements for program approval.

(i) Requirements for approval of nurse aide training programs are contained in Section (a)(2) of this plan.

(ii) The SA has provided guidance and assistance in the development of the SA approved competency evaluation program which meets the requirements of 483.154. (See Section (a)(2) of this plan and Appendix E.)

(iii) Initial approval of nurse aide training programs will be conducted as described in (a)(2) of this section.

Onsite reviews of all approved programs will be conducted no later than one year after the initial review and approval, and every two years thereafter, to determine compliance to 483.75(e), 483.151 (e)(1) through (3), 483.152, and 483.154 (c)(2). These reviews will be conducted utilizing established survey protocols. **(see Appendix D).**

Upon approval, the SA will send the entity providing the NATCEP a letter of approval that contains an expiration date. Approximately 60 to 90 days prior to that expiration date, the SA will send a notice and an Application to Renew the NATCEP (See Appendix I) to the entity to determine if the entity **has**

(2) The State may not approve a nurse aide training and competency evaluation program or competency evaluation program offered by or in a facility which, in the previous two years--

(i) In the case of a skilled nursing facility, has operated under a waiver under section 1819(b)(4)(C)(ii) (II) of the Act;

(ii) In the case of a nursing facility, has operated under a

and **will continue** to provide a NATCEP. This application must be returned to the SA no later than 30 days from the date of the notice. Failure to return the renewal application will result in the automatic termination of the NATCEP.

A termination notice will be sent to any entity which has not provided a NATCEP within the previous two years and to any entity that does not return a completed renewal form within the required timeframe.

To reinstate a NATCEP, the entity will be required to follow all steps required in 483.152.

(2) and (3) The SA will not approve any nurse aide training or competency evaluation programs offered in or by a facility which, in the previous two years, has been under a waiver of licensed nurses or has had penalties assessed as described in these sections.

(i) Skilled nursing facilities who have been granted a waiver under this section, (i.e., allowing coverage by a registered nurse for less than 8 consecutive hours a day, 7 days a week), at any time within the two years previous to application for approval of a program, will have their application denied. A facility who already is operating a program will have the program approval withdrawn for a period of two years from the date the waiver expired.

(ii) Nursing facilities who have been granted a waiver under

waiver under section 1919(b)(4)(C)(ii) of the Act that was granted on the basis of a demonstration that the facility is unable to provide nursing care required under section 1919(b)(4)(C)(i) of the Act for a period in excess of 48 hours per week;

(iii) Has been subject to an extended (or partial extended) survey under sections 1819(g)(2)(B)(i) or 1919(g)(2)(B)(i) of the Act;

(iv) Has been assessed a civil money penalty described in sections 1819(h)(2)(B)(ii) or 1919(h)(2)(A)(ii) of the Act of not less than \$5,000; or

(v) Has been subject to a remedy described in sections 1819(h)(2)(B)(i) or (iii), 1819(h)(4), 1919 (h)(1)(B)(i), or 1919(h)(2)(A)(i), (iii) or (iv) of the Act.

(3) A State may not, until two years since the assessment of the penalty (or penalties) has elapsed, approve a nurse aide training and competency evaluation program or competency evaluation program offered by or in a facility that, within the two-year

this section, (i.e., allowing coverage by a registered nurse for less than 8 consecutive hours a day, 7 days a week or allowing coverage by a licensed nurse for less than 24 hours a day), at any time within the two years previous to application for approval of a program will have the application denied. For a skilled nursing facility, or a nursing facility, which is operating a program at the time the waiver is approved, the program approval will be withdrawn for a period of two years from the date the waiver expired.

Facilities who have been subject to:

(iii) extended or partial extended surveys;

(iv) civil money penalties of not less than \$5,000;

(v) operation by temporary management appointed to oversee the operation of the facility or closure and transfer of its residents, will:

(3) --in the case of a facility which has an existing program, have the nurse aide training and competency program withdrawn for a period of 24 consecutive months (2 years) from the date that any of these penalties were imposed.

period beginning October 1, 1988--

(i) Had its participation terminated under title XVIII of the Act or under the State plan under title XIX of the Act;

(ii) Was subject to a denial of payment under title XVIII or title XIX;

(iii) Was assessed a civil money penalty of not less than \$5,000 for deficiencies in nursing facility standards;

(iv) Operated under temporary management appointed to oversee the operation of the facility and to ensure the health and safety of its residents; or

(v) Pursuant to State action, was closed or had its residents transferred.

Amended May 15, 1997 by H.R. 968. A waiver may be authorized in a State if the State:

1. Determines there is no other such program offered within a reasonable distance of the facility;
2. Assures, through an oversight effort, that an adequate environment exists for operating the program; and
3. Provides notice of such determination and assurances to the State Long-Term Care Ombudsman.

The State may approve NATCEP in (but not by) nursing facilities that are prohibited from approval if the nursing facility:

--in the case of a facility which applies for program approval, be denied approval of the nurse aide training and competency evaluation program for 24 consecutive months (2 years) from the date that any of these penalties were imposed.

--before being allowed to conduct a program, be required to resubmit a request for approval of a new program or re-approval of a previous program at such time any of these penalties have expired.

Waiver of prohibition of nurse aide training and competency evaluation programs in nursing facilities.

Nursing facilities which have been subjected to any remedy described in 483.151(b)(2) may apply to the SA, in writing, for a waiver of the prohibition of providing nurse aide training and competency evaluation in a facility if the facility meets the following:

1. There are no other nurse aide training and competency evaluation programs in, or within a reasonable distance from, the community in which the nursing facility is located.

2. The facility arranges for both classroom and clinical

1. Has been subjected to a denial of payment;
2. Has been operating under a waiver under Social Security Act 1819(b)(4)(C)(ii)(II) (one full time registered professional nurse who is regularly on duty at such facility 40 hours a week);
3. Has been assessed a civil money penalty of not less than \$5000;
4. Has had an appointment of temporary management; or
5. Has been subjected to an extended or partial extended survey (finding of substandard quality of care).

(c) Time frame for acting on a request for approval.

The State must, within 90 days of the date of a request under paragraph (a)(3) of this section or receipt of additional information from the requester--

(1) Advise the requester whether or not the program has been approved; or

(2) Request additional information from the requesting entity.

(d) Duration of approval.

The State may not grant approval of a nurse aide training and competency evaluation program for a period longer than 2 years. A program must notify the State and the State must review that program when there are substantive changes made to that program within a 2-year period.

instruction and evaluation to be conducted by a licensed nurse who is not an employee of the facility.

(c) Time frame for approval.

The SA will, within 90 days of a request for an approval of a NATCEP,--

(1) Advise the requester that approval is or is not granted; or

(2) Request additional information from the requesting entity.

(d) Duration of approval.

The SA may grant NATCEP approvals for any time period deemed appropriate by the SA but not to exceed two years. Any substantive change in a training program must be submitted to the SA in writing. Substantive changes include changes in curriculum, textbooks, schedules and coordinator and instructors. The SA will review the changes submitted and will respond to the provider in writing.

(e) Withdrawal of approval.

(1) The State must withdraw approval of a nurse aide training and competency evaluation program or nurse aide competency evaluation program offered by or in a facility described in paragraph (b)(2) of this section.

(2) The State may withdraw approval of a nurse aide training and competency evaluation program or nurse aide competency evaluation program if the State determines that any of the applicable requirements of 483.152 or 483.154 are not met by the program.

(3) The State must withdraw approval of a nurse aide training and competency evaluation program or a nurse aide competency evaluation program if the entity providing the program refuses to permit unannounced visits by the State.

(4) If a State withdraws approval of a nurse aide training and competency evaluation program or competency evaluation program-

(i) The State must notify the program in writing, indicating the reasons(s) for withdrawal of approval of the program.

(ii) Students who have started a training and competency evaluation program from which approval has been withdrawn

(e) Withdrawal of approval.

(1) The SA will withdraw approval of, for 24 consecutive months, a NATCEP or SCEP offered by or in a facility who has operated under a licensed nurse waiver or has been assessed a penalty described in paragraph (b)(2) of this section.

(2) The SA may withdraw approval of a NATCEP or SCEP offered by or in a facility who does not meet the SA's Guidelines for meeting the requirements 483.152 or 483.154. The time limits for withdrawal of approval will be determined by the SA, but will not exceed 24 consecutive months.

(3) The SA will withdraw approval of a NATCEP or SCEP by or in a facility who refuses to permit unannounced visits by the SA.

(4) If the SA withdraws approval of a NATCEP, the entity will be:

(i) notified in writing, with reasons, for the withdrawal of approval of the program.

(ii) allowed to complete a NATCEP or SCEP that is already in progress at the time the withdrawal is made. The

must be allowed to complete the course.

facility will notify the SA immediately upon receipt of the notice of withdrawal, in writing, of the following:

1. the date the class began;
2. names of all students in the class;
3. expected date of completion.

483.152 Requirements for approval of a nurse aide training and competency evaluation program.

State NATCEP curriculum requirements.

a) For a nurse aide training and competency evaluation program to be approved by the State, it must, at a minimum--

a) The SA requires that at a minimum the NATCEP must--

(1) Consist of no less than 75 clock hours of training;

(1) consist of a minimum of 75 clock hours of training, **excluding** facility orientation (i.e., orientation to personnel policies and procedures, completing employment papers, building tour and other facility-specific information);

(2) Include at least the subjects specified in paragraph (b) of this section.

(2) Include the subjects specified in paragraph (b) of this section.

(3) Include at least 16 hours of supervised practical training. **Supervised practical training** means training in a laboratory or other setting in which the trainee demonstrates knowledge while performing tasks on an individual under the direct supervision of a registered nurse or a licensed practical nurse;

(3) Include at least 25 hours of directly supervised practical training by an approved licensed nurse instructor. Practical training may be conducted --in a laboratory setting, utilizing nurse aide trainees or other volunteers as subjects; or --in a clinical setting, utilizing resident volunteers as subjects.

Direct supervision means in the presence of the licensed nurse

| | |
|--|--|
| | instructor. |
| | [Note: Student nurse aides may not be trained or evaluated by other nurse aides. Student nurse aides may not be assigned to work with experienced nurse aides until the students have demonstrated competence in assigned skills as required by section (4)(i) below and 483.75(e)(2) (State Plan, page 2).] |
| (4) Ensure that-- | (4) A facility which is approved to provide a NATCEP may-- |
| (i) Students do not perform any services for which they have not trained and been found proficient by the instructor; and | (i) not assign student nurse aides to perform any services for which they have not demonstrated competence. Direct supervision of a student nurse aide is not required once they have successfully passed a skills evaluation by the nurse instructor that has been dated and signed as "passed" on the MNASCC (see Appendix A). |
| (ii) Students who are providing services to residents are under the general supervision of a licensed nurse or a registered nurse; | (ii) allow a student nurse aide to perform services under the general supervision of a licensed practical nurse or a registered nurse once the provisions described in the previous paragraph (i) are met. General supervision means on the premises during a trainee's assigned tour of duty. |
| (5) Meet the following requirements for instructors who train nurse aides; | (5) Any entity which provides training of nurse aides must apply to the SA for approval of a program coordinator (PC), clinical instructor(s) (CI) and supplemental instructor(s) (SI). Only one individual may serve as program coordinator. Applications for approval as PC, CI, or SI are to be made to the SA by completing the SA application form accompanied by |

(i) The training of nurse aides must be performed by or under the general supervision of a registered nurse who possesses a minimum of 2 years of nursing experience, at least 1 year of which must be in the provision of long term care services;

(ii) Instructors must have completed a course in teaching adults or have experience in teaching adults or supervising nurse aides;

(iii) In a facility-based program, the training of nurse aides may be performed under the general supervision of the director of nursing for the facility who is prohibited from performing the actual

a resume. The resume must contain the individual's professional education and experience, any teaching experience or training, and any experience supervising nurse aides.

(i) The training of nurse aides must be performed by or under the general supervision of a registered nurse who coordinates the training program. The program coordinator (PC) and clinical instructors (CI) must have at least 2 years of nursing experience, one of which has been in the provision of long term care services. Long term care services include those provided in nursing homes and geriatric or long term care units of another facility, or other entities that provide services to the aged, chronically ill and/or disabled.

(ii) All instructors must have--

1. experience in teaching adults;

2. experience in supervising nurse aides, with demonstrated competence in teaching; or

3. have equivalent education. Equivalent education includes college/university education courses, a degree in education, or a train-the-trainer course approved by the SA.

(iii) In a facility-based program, the director of nursing also may be the program coordinator. As program coordinator, the director of nurses may provide general supervision of the program and

training; and

(iv) Other personnel from the health professions may supplement the instructor, including, but not limited to registered nurses, licensed practical/vocational nurses, pharmacists, dietitians, social workers, sanitarians, fire safety experts, nursing home administrators, gerontologists, psychologists, physical and occupational therapists, activities specialists, speech/language/hearing therapists, and resident rights experts. Supplemental personnel must have at least 1 year experience in their fields;

(6) Contain competency evaluation procedures specified in 483.154.

(b) The curriculum of the nurse aide training program must include--

(1) At least a total of 16 hours of training in the following areas prior to any direct contact with a resident:

(i) Communication and interpersonal skills;

(ii) Infection control;

(iii) Safety/emergency procedures, including the

instructors but may not provide direct training.

(iv) Qualified health care personnel, who have at least one year of experience in their respective fields, may provide training in their specialties under the general supervision of the program coordinator. Such personnel include additional registered or licensed practical nurses; occupational, physical and speech/language/hearing therapists; physicians; psychologists; dentists; social workers; recreation therapists; activities specialists; administrators; medical records specialists; dietitians/dietary managers; fire safety experts; ombudspersons; pharmacists; sanitarians or others as approved by the SA.

(6) Competency evaluation procedures are specified by the test vendor and approved by the SA (see Appendix E).

(b) The SA approved curriculum requirements (**see Appendix C, Core Curriculum Requirements**) include--

(1) a minimum of 16 hours of training, excluding facility orientation, in the following subjects prior to any direct contact with residents:

(i) communication and interpersonal skills

(ii) infection control

(iii) safety and emergency procedures, including Heimlich

Heimlich maneuver;

(iv) Promoting residents' independence; and

(v) Respecting residents' rights.

(2) Basic nursing skills:

(i) Taking and recording vital signs;

(ii) Measuring and recording height and weight;

(iii) Caring for the residents' environment;

(iv) Recognizing abnormal changes in body functioning and the importance of reporting such changes to a supervisor; and

(v) Caring for residents when death is imminent.

(3) Personal care skills, including, but not limited to-

(i) Bathing;

(ii) Grooming, including mouth care;

(iii) Dressing;

(iv) Toileting;

(v) Assisting with eating and

maneuver;

(iv) promoting residents' independence, i.e. principles of restorative care; and

(v) respecting residents' rights.

(2) Basic nursing skills:

(i) taking and recording temperature, pulse, respiration and blood pressure;

(ii) measuring and recording height and weight;

(iii) caring for the resident's environment;

(iv) recognizing physical and emotional changes of aging; and

(v) caring for residents when death is imminent.

(3) Personal care skills, including--

(i) through (viii). Bathing, grooming, oral care, dressing, toileting, , eating/feeding, skin care, transfers, positioning and turning.

hydration;

(vi) Proper feeding techniques;

(vii) Skin care; and

(viii) Transfers, positioning, and turning.

(4) Mental health and social service needs:

(i) Modifying aide's behavior in response to residents' behavior;

(ii) Awareness of developmental tasks associated with the aging process;

(iii) How to respond to resident behavior;

(iv) Allowing the resident to make personal choices, providing and reinforcing other behavior consistent with the resident's dignity; and

(v) Using the resident's family as a source of emotional support.

(5) Care of cognitively impaired residents;

(i) Techniques for addressing

(4) Mental health and social service needs:

(i) care of residents with personality and/or behavior disorders;

(ii) recognizing the physical and emotional changes of aging; understanding of caregiver's, resident's and family's attitudes toward the aging process;

(iii) communicating with residents who have specific problems (sensory and cognitive deficits) and care of residents with personality and/or behavior disorders;

(iv) allowing resident to make personal choices and promoting respect and dignity, basic rights and needs);

(v) promoting support of family, i.e. understanding the family's attitude toward the aging process and communicating with family.

(5) Care of cognitively impaired residents:

(i) through (v) care of

the unique needs and behaviors of individuals with dementia (Alzheimer's and others);

(ii) Communicating with cognitively impaired residents;

(iii) Understanding the behavior of cognitively impaired residents;

(iv) Appropriate responses to the behavior of cognitively impaired residents; and

(v) Methods of reducing the effects of cognitive impairments.

(6) Basic restorative services;

(i) Training the resident in self care according to the resident's abilities;

(ii) Use of assistive devices in transferring, ambulation, eating, and dressing;

(iii) Maintenance of range of motion;

(iv) Proper turning and positioning in bed and chair; and,

(v) Bowel and bladder

residents who have personality and behavior disorders and meeting the needs of special residents.

(6) Basic restorative services:

(i) promoting independence and self care;

(ii) prevention of injury and falls through proper body mechanics and promotion of safe transfers and ambulation; assistance with eating; assistance with dressing;

(iii) maintenance of range of motion;

(iv) proper turning and positioning;

(v) bowel and bladder

training; and

(vi) Care and use of prosthetic and orthotic devices.

(7) Residents' Rights.

(i) Providing privacy and maintenance of confidentiality;

(ii) Promoting the residents' right to make personal choices to accommodate their needs;

(iii) Giving assistance in resolving grievances and disputes;

(iv) Providing needed assistance in getting to and participating in resident and family groups and other activities;

(v) Maintaining care and security of residents' personal possessions;

(vi) Promoting the resident's right to be free from abuse, mistreatment, and neglect and the need to report any instances of such treatment to appropriate facility staff;

(vii) Avoiding the need for restraints in accordance with current professional standards.

(c) Prohibition of charges.

(1) No nurse aide who is employed by, or who has

retraining; and

(vi) care and use of prosthetic devices and orthotic devices, care of residents' personal possessions, helping the sensory impaired, and basic restorative.

(7) Residents' rights:

(i) through (vii) promoting residents' rights, including Montana Residents' Rights Act; confidentiality; legal and ethical issues; resident abuse, including the Montana Elder Abuse Act; care of residents' clothing and personal possessions; and proper use of restraints.

(c) Prohibition of charges.

(1) Nurse aides who are employed, or who have received

received an offer of employment from, a facility on the date on which the aide begins a nurse aide training and competency evaluation program may be charged for any portion of the program (including any fees for textbooks or other required course material).

(2) If an individual who is not employed, or does not have an offer to be employed, as a nurse aide becomes employed by, or receives an offer of employment from, a facility not later than 12 months after completing a nurse aide training and competency evaluation program, the State must provide for the reimbursement of costs incurred in completing the program on a pro rata basis during the period in which the individual is employed as a nurse aide.

483.154 Nurse aide competency evaluation.

(a) Notification to Individual. The State must advise in advance any individual who takes the competency evaluation that a record of the successful completion of the evaluation will be included in the State's nurse aide registry.

an offer of employment, at the time he/she begins a NATCEP or SCEP may not be charged any fees, including charges for textbooks or other course materials.

(2) Questions regarding any repayment to qualifying nurse aides are to be directed to the Senior and Long Term Care Division of the Department of Public Health and Human Services, Helena, Montana.

(a) The SA approved test vendor must provide a procedure to notify any individual who applies to complete the approved competency evaluation program that a record of his/her successful completion of the competency evaluation will be forwarded to the SA for placement in the nurse aide registry.

To ensure that nurse aides who apply to take the test are eligible under 483.156(c)(5)(iv) (findings of abuse, neglect or misappropriation of property), the test vendor shall require that each nurse aide must

(b) Content of the competency evaluation program.

(1) Written or oral examinations. The competency evaluation must--

(i) Allow an aide to choose between a written and an oral examination;

(ii) Address each course requirement specified in 483.152(b);

(iii) Be developed from a pool of test questions, only a portion of which is used in any one examination; and

(iv) Use a system that prevents disclosure of both the pool of questions and the individual competency evaluations; and

(v) If oral, must be read from a prepared text in a neutral manner.

present at least two forms of identification prior to taking the test. These must include at least one form of photo identification and the aide's social security card. The identification information must be checked against the abuse file contained in the State Registry. Any nurse aide who has been found to have committed abuse, neglect or misappropriation of property and whose name is found in the abuse file of the State Registry may not take the test and must be reported immediately to the State Registry.

(b) Content of the competency evaluation program.

(1) The SA approved test vendor must provide--

(i) a choice of a written or oral examination to all SCEP applicants;

(ii) a competency evaluation that addresses all of the core curriculum requirements as specified in Appendix C;

(iii) a sufficient pool of test questions so that different forms of the examination may be used;

(iv) a system that protects the security of the pool of test questions; and

(v) an oral version of the test which is given from a prepared text in a neutral manner, and provide appropriate training to test proctors/administrators in proper the administration of oral tests. Audiotapes prepared for this purpose are acceptable.

(2) Demonstration of skills. The skills demonstration must consist of a demonstration of randomly selected items drawn from a pool consisting of the tasks generally performed by nurse aides. This pool of skills must include all of the personal care skills listed in 483.152(b)(3).

(c) Administration of the competency evaluation.

(1) The competency examination must be administered and evaluated only by--

(i) The State directly; or

(ii) A State approved entity which is neither a skilled nursing facility that participates in Medicare nor a nursing facility that participates in Medicaid.

(2) No nurse aide who is employed by, or who has received an offer of employment from, a facility on the date on which the aide begins a nurse aide competency evaluation program may be

(2) The SA approved testing entity must provide a skills demonstration test that evaluates at least 5 randomly selected skills (5 subtests) from a pool of skills. No less than 2 of the randomly selected skills must be chosen from the list of personal care skills listed in Appendix C, Core Curriculum Requirements, section 5. The remaining skills must be chosen from skills listed in Appendix C, Core Curriculum Requirements, sections 4, 6, 8, and 9. Each skill demonstration must incorporate as part of its task analysis the evaluation of the examinee's communication and interpersonal skills (Appendix C, Core Curriculum Requirements, section 1-d and 3 and recognition of resident's right to privacy and respect.

(c) Administration of the competency evaluation program.

(1) The competency evaluation program will be administered by--

(ii) a SA approved entity which is neither a skilled facility nor a nursing facility participating in Medicare and/or Medicaid programs.

(2) Nurse aides who are employed by, or have received an offer of employment from, a skilled facility or nursing facility participating in the Medicare and/or Medicaid programs on the date the competency program

charged for any portion of the program.

(3) If an individual who is not employed, or does not have an offer to be employed, as a nurse aide becomes employed by or receives an offer of employment from, a facility not later than 12 months after completing a nurse aide competency evaluation program, the State must provide for the reimbursement of costs incurred in completing the program on a pro rata basis during the period in which the individual is employed as a nurse aide.

(4) The skills demonstration part of the evaluation must be--

(i) Performed in a facility or laboratory setting comparable to the setting in which the individual will function as a nurse aide; and

(ii) Administered and evaluated by a registered nurse with at least one year's experience in providing care for the elderly or the chronically ill of any age.

(d) Facility proctoring of the competency evaluation.

began may not be personally charged any fees for completion of the competency evaluation program, including repeating the test due to unsuccessful completion at previous attempts. (3) See State Plan for 483.152(c)(2).

(3) Reimbursement is the responsibility of the state Medicaid agency. See 483.152(c)(2).

(4) The test vendor must insure that the skills demonstration part of the SCEP be--

(i) performed in a facility or a laboratory setting which simulates the setting in which the skill(s) will be routinely practiced; and

(ii) administered and evaluated by a registered nurse with at least one year's experience providing care for persons who are elderly and/or chronically ill or disabled of any age. Such experience includes nursing facilities, long term care units of another facility (swing beds, rehabilitation units, geriatric units, etc.), and home health/hospice agencies.

(d) Facility proctoring of the SCEP.

(1) The competency evaluation may, at the nurse aide's option, be conducted at the facility in which the nurse aide is or will be employed unless the facility is described in 483.151(b)(2).

(2) The State may permit the competency evaluation to be proctored by facility personnel if the State finds that the procedure adopted by the facility assures that the competency evaluation program-

(i) Is secure from tampering;

(ii) Is standardized and scored by a testing, educational, or other organization approved by the State; and

(iii) Requires no scoring by facility personnel.

(3) The State must retract the

(1) The test vendor must provide for testing individuals, at their request, in the facility for which they work except a facility whose NATCEP or SCEP has been revoked as specified in 483.151(b)(2).

(2) The SA will allow proctoring of the SCEP by a qualified registered nurse employed by a facility provided the test vendor insures that--

(a) only one registered nurse for each facility is approved to proctor the SCEP, and

(b) each approved proctor receives appropriate training in proctoring both the written and skills portions of the SCEP.

The test also may be administered by registered nurse instructors of units of higher education (vocational-technical schools, colleges, universities) who have at least one year's experience instructing and testing students in nursing and nursing-related subjects.

The test vendor must insure that the SCEP--

(i) is secure from tampering;

(ii) is standardized and scored only by the vendor;

(iii) requires no scoring by the facility proctor or other facility personnel.

(3) The SA will revoke approval

right to proctor nurse aide competency evaluations from facilities in which the State finds any evidence of impropriety, including evidence of tampering by facility staff.

(e) Successful completion of the competency evaluation program.

(1) The State must establish a standard for the satisfactory completion of the competency evaluation program. To complete the competency evaluation successfully an individual must pass both the written or oral examination and the skills demonstration.

(2) A record of successful completion of the competency evaluation must be included in the nurse aide registry provided in 483.156 within 30 days of the date if the individual is found to be competent.

(f) Unsuccessful completion of the competency evaluation program.

(1) If the individual does not complete the evaluation satisfactorily, the individual must be advised--

(i) Of the areas which he or she did not pass; and

to proctor the SCEP for any facility whose staff have been found to have engaged in impropriety and/or tampering of the SCEP.

(e) Successful completion of the competency evaluation program.

(1) For a candidate to successfully complete the SCEP, he/she must pass--
- the written (or oral) test with a score of no less than 75% correct responses.
- each skills subtest with a score of no less than 80% correct responses. The skills subtests must incorporate a system to insure that key points (those affecting the overall outcome of a subtest) must be satisfactorily passed in order to pass the skill tested.

(2) No later than 30 days following completion of the SCEP, the test vendor must provide to the State Registry a record for each individual who is successful in passing the SCEP. Information to be provided to the registry must include, at minimum, the information required by the State Plan described in 483.156.

(f) Unsuccessful completion of the competency evaluation program.

(1) The test vendor must inform individuals who have failed the written (or oral) and/or skills portions of the SCEP--

(i) of the general subject area(s) (e.g., resident rights,

(ii) That he or she has at least three opportunities to take the evaluation.

(2) The State may impose a maximum upon the number of times an individual may attempt to complete the competency evaluation successfully, but the maximum may be no less than three.

making an unoccupied bed, post mortem care, etc.) of the test which he/she did not pass;

(ii) that the individual will have three opportunities to repeat part or all of the SCEP.

Individuals who fail to score at least 75% correct responses on the written (or oral) test or who fail three or more of the skills subtests are required to repeat the entire test that was not satisfactorily completed. Individuals who fail up to two of the skills subtests are required to repeat only the subtests that he/she failed. For partial retesting of skills, the test vendor will randomly select the same number of skill(s) from the same category(ies) that were failed.

(2) Individuals who have completed an approved nurse aide training program of at least 75 hours will be allowed to repeat the SCEP a maximum of three times. If, after three attempts, the individual does not successfully complete the SCEP, he/she will be required to complete another approved nurse aide training program of at least 75 hours before being eligible to again attempt the SCEP.

An individual who has not completed an approved nurse aide training program of at least 75 hours will be allowed one attempt to successfully complete the SCEP. If the individual fails the SCEP, he/she will be required to complete an approved nurse aide training program of at least 75 hours to be eligible to repeat the SCEP. Following completion of the

483.156 Registry of nurse aides.

(a) Establishment of registry.

The State must establish and maintain a registry of nurse aides that meets the requirement of this section. The registry--

(1) Must include as a minimum the information contained in paragraph (c) of this section;

(2) Must be sufficiently accessible to meet the needs of the public and health care providers promptly;

(3) May include home health aides who have successfully completed a home health aide competency evaluation program approved by the State if home health aides are differentiated from nurse aides; and

(4) Must provide that any response to an inquiry that includes a finding of abuse, neglect, or misappropriation of property also include any statement disputing the finding made by the nurse aide, as provided under paragraph (c)(1)(ix) of this section.

approved training program, the individual will be given three opportunities to successfully complete the SCEP.

Nurse aide registry.

(a) Establishment of registry.

The SA will maintain a registry of nurse aides that--

(1) includes the identifying information described in paragraph (c) of this section;

(2) is accessible during the operating hours of the SA;

(3) includes home health aides who meet the NATCEP or SCEP requirements for nurse aide certification of competency and the additional home health training competency evaluation program. **(See Appendix G).**

(4) provides information from nurse aides who dispute any finding against them of abuse, neglect, or misappropriation of property, should they choose to provide such information. Should an aide choose to dispute any finding of abuse, neglect, or misappropriation of funds, he/she must respond to the State's written request for such information within 30 calendar days from the date of written notification of the SA's findings.

Failure to respond to the SA's request within 30 days will result in the permanent

(b) Registry operation.

(1) The State may contract the daily operation and maintenance of the registry to a non-State entity. However, the State must maintain accountability for overall operation of the registry and compliance with these regulations.

(2) Only the State survey and certification agency may place on the registry findings of abuse, neglect, or misappropriation of property.

(3) the State must determine which individuals who--

(i) have successfully completed a nurse aide training and competency evaluation program or nurse aide competency evaluation program;

(ii) have been deemed as meeting these requirements;

(iii) have had these requirements waived by the State do not qualify to remain on the registry because they have performed no nursing or nursing-related services for a period of 24 consecutive months.

placement of the findings as public record in the registry.

(b) Registry operation.

(1) The operation of the registry will remain with the SA.

(2) Only the State survey and certification agency will be responsible to place on the registry any findings of abuse, neglect, or misappropriation of property.

(3) Individuals who are placed in the registry are those who have met the SA's NATCEP and SCEP and include:

(i) individuals who have successfully completed a NATCEP or SCEP;

(ii) were deemed as meeting the requirements under 483.150 by March 31, 1990; or

(iii) have met waiver requirements under 483.150(b)(1). The SA will provide for certification and recertification of nurse aides and home health aides for periods not to exceed 24 consecutive months. Individuals who have not worked at least 8 hours within the 24 consecutive months preceding the expiration date of his/her certification or recertification period will be removed from the State Registry.

(4) The State may not impose any charges related to registration on individuals listed in the registry.

(5) The State must provide information on the registry promptly.

(c) Registry content.

(1) The registry must contain at least the following information on each individual who has successfully completed a nurse aide training and competency evaluation program which meets the requirements of 483.152 or a competency evaluation which meets the requirements of 483.154 and has been found by the State to be competent to function as a nurse aide or who may function as a nurse aide because of meeting criteria in 483.150:

(i) The individual's full name;

(4) The SA will not charge any fees related to the State Registry.

(5) The SA will respond to requests for State Registry information as follows:

- inquiries to the State Registry by telephone will be answered when State Registry staff is available or within 3 days of the inquiry.

- inquiries by mail will be answered within 5 working days of the date the inquiry is received.

- inquiries to the State Registry are available on the SA's web site

(<http://161.7.8.64/QAD/nurseaideregistry.jsp>)

24 hours a day, 7 days a week.

(c) State Registry content.

(1) The State Registry will contain the following information on all individuals who meet the requirements for nurse aide/home health aide certification of competency:

- (i) the individual's first, middle and last names, including maiden name and any previous names used;

- (ii) identifying information

(ii) Information necessary to identify each individual;

including the individual's
- mailing address,
- social security number,
- identification number assigned by the State; and
- date of birth;

(iii) The date the individual became eligible for placement in the registry through successfully completing a nurse aide training and competency evaluation program or competency or by meeting the requirements of 483.150; and

(iii) the date of certification of competency; date the certification period expires; name of approved NATCEP completed, including hours of training, or SCEP.

The SA will maintain an Abuse File as part of the State Registry which contains the following information:

(iv) The following information on any finding by the State survey agency of abuse, neglect, or misappropriation of property by the individual:

(iv) substantiated findings, by either the SA or as adjudicated by a court of law, of abuse, neglect, or misappropriation of property, including--

(A) Documentation of the State's investigation, including the nature of the allegation and the evidence that led the State to conclude that the allegation was valid;

(A) the SA's written reports of the investigation to include information about the nature of the allegation and supporting evidence;

(B) The date of the hearing, if the individual chose to have one, and its outcome; and

(B) the date and results of hearing, if any; and

(C) A statement by the individual disputing the allegation, if he or she chooses to make one; and

(C) the statement by the individual disputing the allegation(s), if any.

(D) This information must be included in the registry within 10 working days of the finding and must remain in the registry permanently, unless the finding was made in error, the individual was found not guilty in a court of law, or the State is notified of the individual's death.

(D) Information will be entered in the State Registry within 10 working days of a substantiated finding by the SA, either by default or by hearing, or within 10 days of the receipt of written notification of a verdict of guilty by a court of law. State Registry information will remain a permanent SA record unless otherwise found in

(2) The registry must remove entries for individuals who have performed no nursing or nursing-related services for a period of 24 consecutive months, unless the individual's registry entry includes documented findings of abuse, neglect, or misappropriation of property.

(a) Disclosure of information.

The State must:

(1) Disclose all of the information in 483.156(c)(1)(iii) and (iv) to all requesters and may disclose additional information it deems necessary; and

(2) Promptly provide individuals with all information contained in the registry on them when adverse findings are placed on the registry and upon request. Individuals on the registry must have sufficient opportunity to correct any misstatements or inaccuracies contained in the registry.

error or upon notification of the individual's death.

(2) Individuals who are no longer eligible to remain in the State Registry will,--

- in the case of an individual who has not performed nursing or nursing-related services for a period of 24 consecutive months, have his/her name removed from the active State Registry.

- in the case of substantiated abuse, neglect, or misappropriation of property, be subject to loss of his/her certification of competency by the SA.

(a) Disclosure of information.

The SA will:

(1) Disclose all of the information in 483.156(c)(1)(iii) and (iv) to any requester.

(2) Information in 483.156(c)(1)(iv) will be disclosed to any requester only if a finding of abuse, neglect, or misappropriation of property has been verified and the information has been placed in the Abuse File of the State Registry.

483.158 FFP for nurse aide training and competency evaluation.

(a) State expenditures for nurse aide training and competency evaluation programs and competency valuation programs are administrative costs. They are matched as indicated in 433.15(b)(8) of this chapter.

(b) FFP is available for State expenditures associated with nurse aide training and competency evaluation programs and competency evaluation for only-

(1) Nurse aides employed by a facility;

(2) Nurse aides who have an offer of employment from a facility;

(3) Nurse aides who become employed by a facility not later than 12 months after completing a nurse aide training and competency evaluation program or competency evaluation program; or

(4) Nurse aides who receive an offer of employment from a

facility not later than 12 months after completing a nurse aide training and competency evaluation program or competency evaluation program.

State FFP.

The provisions of this section are administered by the state Medicaid agency at Department of Public Health and Human Services, Senior and Long Term Care Division.

